

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>RONNIE Q. KINARD,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>LARIMER COUNTY BOARD OF EQUALIZATION.</b></p>	<p>▲</p>
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Ronnie Q. Kinard Address: 3283 South Evanston Street Aurora, Colorado 80014 Phone Number: (303) 696-6646 E-mail: Attorney Reg. No.:</p>	<p><b>Docket Number: 37176</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on April 16, 2001, Mark R. Linné and Karen E. Hart presiding. Petitioner appeared pro se. Respondent was represented by Linda K. Connors, Esq.

**PROPERTY DESCRIPTION:**

Subject properties are described as follows:

**LOTS 2 & 8 BLK 26, LOT 2 & POR LOT 3 BLK 27, HIAWATHA  
HTS SUB (Larimer County Schedule Nos. 30282-11-016, 30282-10-  
002, 30282-10-008, 30283-11-002, 30282-16-022)**

Petitioner is protesting the 2000 actual value of the subject properties: 4 vacant lots and a log cabin built in 1947 consisting of 720 square feet. All properties are located in Red Feather Lakes.

**ISSUES:**

**Petitioner:**

Petitioner contends that the subject property vacant lots have a lack of road access and should be classified as not suitable for building, with a corresponding valuation reduction. The valuation increase for the cabin is too high.

**Respondent:**

Respondent contends that the assigned values are supported by properly adjusted sales of similar properties similarly situated using the market approach to value. Easements could be granted to the vacant lots.

**FINDINGS OF FACT:**

1. Petitioner's wife, Ms. Judy Kinard, presented the appeal on behalf of Petitioner.
2. Petitioner presented an indicated value as follows for the subject properties:

<u>Parcel Number</u>	<u>Value</u>
30282-11-002	\$ 3,000.00
30282-11-016	\$ 400.00
30282-10-008	\$ 2,000.00
30282-10-002	\$ 1,000.00
30282-16-022	\$37,500.00

3. Petitioner presented no comparable sales, choosing to critique Respondent's sales.
4. Ms. Kinard testified that Lot 2 Block 26 is the only vacant lot that is buildable; however, they will not be building upon it. Lot 3 Block 27 is vacant and has no value as it is almost entirely consumed by the highway right-of-way. Lot 8 Block 26 is vacant and is located on a hillside; it has no access from any side. Lot 2 Block 27 is vacant and is very rugged and covered with large boulders; it has no access. All of the vacant lots were purchased to create a buffer for the cabin. She believes all of the vacant lots should be classified as "not suitable for building."
5. Ms. Kinard testified that the Respondent's comparable sales do not indicate size, shape, easements, improvements, or any other variables to value. She does not believe the 4 vacant lot values have increased \$12,000.00 since 1998.
6. Ms. Kinard testified that a cabin is located on Lot 8 Block 35. It consists of 720 square feet, was built in 1947 and has a log exterior. There is a kitchen, living room, 1 bedroom and a walk-through room. There is no indoor plumbing or central heat: there is an outhouse and a propane space heater.

7. Ms. Kinard believes that only Respondent's Sale 3 is comparable in age, size, amenities and value to the subject property. The other comparables are not applicable.

8. Ms. Kinard testified that she believes three of the vacant lots should be classified the same as the remaining vacant lot: not suitable for building. The valuation of the subject property with the cabin should not be greater than Respondent's Comparable 3.

9. Under cross-examination, Ms. Kinard admitted that the photographs in Respondent's Exhibit 2, pages 2 and 3, are of the subject property and are merely labeled incorrectly.

10. Petitioner, Mr. Ronnie Kinard, testified that Lot 3 Block 27 is a pie-shaped lot that was part of the purchase of the cabin lot. In 1988 they did a land trade with the county for widening of the road right-of-way.

11. Mr. Kinard testified that the subject property vacant lots were purchased between 1977 and 1992 with prices ranging from \$500.00 to \$3,000.00 per lot. The cabin was purchased in 1976 for \$12,000.00. Two of the lots were combined for tax purposes.

12. Mr. Kinard testified that there is a well head located on Lot 2 Block 27, but it has not been piped to the cabin located on Lot 8 Block 35. He also testified that the deck on the cabin encroaches onto Lot 2 Block 27.

13. Petitioner is requesting a 2000 actual value as follows for the subject properties:

<u>Parcel Number</u>	<u>Value</u>
30282-11-002	\$ 3,000.00
30282-11-016	\$ 400.00
30282-10-008	\$ 2,000.00
30282-10-002	\$ 1,000.00
30282-16-022	\$37,500.00

14. Respondent's witness, Ms. Shirley Lindsay, a Licensed Appraiser with the Larimer County Assessor's Office, presented the following indicated value for the subject properties based on the market approach:

<u>Parcel Number</u>	<u>Value</u>
30282-11-002	\$ 6,000.00
30282-11-016	\$ 400.00
30282-10-008	\$ 6,000.00
30282-10-002	\$ 6,000.00
30282-16-022	\$57,711.00

15. Regarding the vacant lots, Respondent's witness presented 3 comparable sales ranging in sales price from \$6,000.00 to \$8,500.00 per site. No adjustments were made to the sales.

16. Ms. Lindsay testified that she had inspected and appraised the subject properties. Exhibit 1 is an appraisal report for the 4 vacant lots. Each lot is an individual parcel. She testified that Lot 2 Block 26 is level with rocks on it in one spot and with trees. She verified that this is a buildable site. She also testified that in her opinion, there are buildable areas located on each of the vacant lots, with the exception of the pie-shaped lot. She admitted that it was hard to distinguish where lot lines were located in the subject area. However, the photographs in her exhibits accurately portray the terrain of the subject properties.

17. Ms. Lindsay testified that all of the comparables are located around Shagwa Lake, but are all within one mile of the subject properties and are within the Hiawatha Heights subdivision. All of the comparable lots are located in the trees and have rocks on them, similar to the subject properties.

18. Ms. Lindsay admitted that there is no deeded access to some of the subject properties, but believes that easements could be given by Petitioner, as he also owns lots over which easements could be granted.

19. Ms. Lindsay concluded that the land value for the vacant lots should be \$6,000.00 per lot. She indicated that both parties agreed to a \$400.00 value for Lot 3 Block 27.

20. Regarding the improved property, Respondent's witness presented 4 comparable sales ranging in sales price from \$38,000.00 to \$80,000.00 and in size from 480 to 720 square feet. After adjustments were made, the sales ranged from \$59,900.00 to \$75,400.00.

21. Ms. Lindsay acknowledged that the photographs for the subject property were mislabeled, but they are photos of the subject property cabin. There is access off the main road. The land was valued according to a buildable site basis.

22. Ms. Lindsay testified that all of the sales occurred within the Red Feather Lakes area. They were adjusted for age and amenities. Comparable 3 is closest in age, size and type of construction (log), but is smaller than the subject. It was given the greatest weight. None of the comparables are lake-front properties, and all are located within a mile of the subject. The indicated value range was \$59,900.00 to \$75,400.00. The assigned value of \$57,711.00 is less than the indicated value range, which accounts for the older age of the subject property.

23. Under cross-examination, Ms. Lindsay testified regarding the vacant land comparables, admitting that it was hard to tell if the existing roads in the area were located where they should be. She admitted that the comparables had roads located close to them. She testified that she was aware that there was no easement to the back subject property lots. Regarding the cabin lot, she agreed that Comparable 3 was most similar to the subject property but pointed out that the adjusted sales price per square foot was \$83.13, which was more than the subject property assigned value at \$80.18 per square foot. She admitted that the pictures in her exhibits may not be of the correct properties, but that they accurately represented properties in the area.

24. In redirect, Ms. Lindsay testified that having incorrect pictures would not change the subject property value. She reiterated that easements could be created by Petitioner for the back lots.

25. Upon questioning by the Board, it was established that the well located on Lot 2 Block 27 was not drilled until July 22, 1999. It has not yet been connected to the cabin on Lot 8 Block 35.

26. Upon questioning by the Board, Ms. Lindsay admitted that the lack of a well for the subject property cabin would need to be adjusted for in her comparable sales grid. She estimated that she would make a 5% adjustment for the lack of the well. She explained that the negative 5% adjustment for amenities was for the presence of a septic system. The positive 5% amenity adjustment was for the propane service and wood stove. The 15% adjustment was for the age difference. She admitted that she made no adjustment for access or proximity to the lake in her comparable sales analysis. The improvement land value was calculated using a 20% allocation value from sales of improved properties. She admitted that the land comparable sales could have views of the lake and that she made no adjustment for lake view.

27. Respondent assigned an actual value as follows to the subject properties for tax year 2000:

<u>Parcel Number</u>	<u>Value</u>
30282-11-002	\$ 6,000.00
30282-11-016	\$ 400.00
30282-10-008	\$ 6,000.00
30282-10-002	\$ 6,000.00
30282-16-022	\$57,711.00

## **CONCLUSIONS:**

1. Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2000.

2. Both parties are in agreement on the value of Parcel No. 30282-11-016, and the Board hereby affirms the value at \$400.00.

3. Regarding the remaining vacant lots, the Board believes that an adjustment should have been made to the vacant land sales for lake views, as well as any other physical characteristic differences. However, the Board had insufficient information to determine what those adjustments should be and notes that the assigned value matches vacant land Sale 3, which appears to not have a lake view. The Board was not convinced by a preponderance of the evidence that the lots were not buildable.

4. Regarding Parcel Nos. 30282-10-002 and 30282-10-008, there is no current road access to these lots. All of the properties in this case are valued as individual lots regardless of common ownership. Therefore, even though Petitioner owns adjacent lots, the Board was convinced that the lack of access should be a significant factor in the valuation of these lots. Evidence and testimony indicated that the assigned value of \$6,000.00 per lot was based on sold properties that had road access. The Board determined that the value of these two lots should be reduced to \$3,000.00 per lot to reflect the lack of road access.

5. Regarding Parcel No. 30282-11-002, the Board was not convinced that there was a lack of access to this lot. Maps in the exhibits appear to show access might exist along Prairie Divide Road. However, the Board was convinced that this lot should be classified as residential as the cabin porch encroaches upon the lot, and the well located on this lot will service the adjacent cabin. Without a lot line change, the parcel would not be sold separately. Furthermore, the Board notes that the well was in place as of the assessment date of January 1, 2000 and would likely contribute value to the lot, resulting in a higher value than that assigned. This Board has no authority to increase the value. Therefore, the Board affirms the \$6,000.00 lot value but concludes the classification should be changed to residential.

6. Regarding Parcel No. 30282-16-022, the Board reduced the valuation by 5% due to the lack of a well. The Board determined that the value should be reduced to \$54,825.00, with \$13,800.00 allocated to land and \$41,025.00 allocated to improvements.

**ORDER:**

Respondent is ordered to reduce the 2000 actual value of the subject properties as follows:

<u>Parcel Number</u>	<u>Land Value</u>	<u>Improvement Value</u>	<u>Total Value</u>
30282-10-008	\$ 3,000.00		
30282-10-002	\$ 3,000.00		
30282-16-022	\$13,800.00	\$41,025.00	\$54,825.00

Respondent is ordered to change the classification of Parcel No. 30282-11-002 to a residential classification, with the actual value remaining at \$6,000.00.

Parcel No. 30282-11-016 was stipulated to at the current assigned actual value of \$400.00.

The Larimer County Assessor is directed to change his records accordingly.

**APPEAL:**

Petitioner may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

DATED and MAILED this 7<sup>th</sup> day of May, 2001.

BOARD OF ASSESSMENT APPEALS

Mark R. Linné  
Mark R. Linné

Karen E. Hart  
Karen E. Hart

This decision was put on the record

**MAY 07 2001**

I hereby certify that this is a true  
and correct copy of the decision of  
the Board of Assessment Appeals.

Diane Von Dollen  
Diane Von Dollen



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